



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 20 May 2014

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PUBLIC PETITIONS COMMITTEE

10th Meeting 2014, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

Jackson Carlaw (West Scotland) (Con)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Simon Brogan

Neil Doncaster (Scottish Professional Football League)

Andrew McKinlay (Scottish Football Association)

John Murray (Heart of Midlothian Football Club)

Mick Napier

Scott Robertson

Elaine Smith (Coatbridge and Chryston) (Lab)

William Smith

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Public Petitions Committee

Tuesday 20 May 2014

[The Convener *opened the meeting at 10:03*]

Current Petition

Youth Football (PE1319)

The Convener (David Stewart): Good morning, ladies and gentlemen. I welcome you all to today's meeting of the Public Petitions Committee. As always, I ask everyone to switch off their electronic devices, because they interfere with our sound system.

We have received apologies from Jackson Carlaw, who is attending the Health and Sport Committee. Cameron Buchanan is here as his substitute.

Item 1 is a round-table discussion on PE1319, on improving youth football in Scotland. Members have a note from the clerks—paper 1—and a submission from the petitioners. I welcome everyone and thank you all for coming along. We have had apologies from Malcolm McGregor—he is an advocate from Compass Chambers and he has to be in court today.

I ask everyone to introduce themselves. I am a Labour member of the Scottish Parliament for the Highlands and Islands region. I should declare again that I am a trustee of Inverness Caledonian Thistle Football Club. Of course, any comments that I make are purely my own; I cannot speak for my club, or I will be in serious trouble at the next home game.

Chic Brodie (South Scotland) (SNP): I am a Scottish National Party MSP for South Scotland.

John Murray (Heart of Midlothian Football Club): I am academy director at Heart of Midlothian Football Club.

Anne McTaggart (Glasgow) (Lab): Welcome. I am an MSP for Glasgow.

Scott Robertson: I am one half of the RealGrassroots. I am wearing this T-shirt today because I wanted to make the point that I am just a football coach, like tens of thousands of other volunteers across Scotland.

Angus MacDonald (Falkirk East) (SNP): I am the MSP for Falkirk East.

William Smith: My name is Willie Smith. I am the chairman and founder of Hillwood Boys Club in

Glasgow and the co-founder of RealGrassroots.co.uk.

Cameron Buchanan (Lothian) (Con): I am a Conservative MSP for Lothian.

Neil Doncaster (Scottish Professional Football League): I am chief executive of the Scottish Professional Football League, which is the newly merged league that represents all 42 professional football clubs in Scotland.

David Torrance (Kirkcaldy) (SNP): I am MSP for the Kirkcaldy constituency. I declare an interest: I am a member of the Raith Supporters Trust.

Andrew McKinlay (Scottish Football Association): I am the director of football governance and regulation at the Scottish Football Association.

John Wilson (Central Scotland) (SNP): I am an SNP MSP for Central Scotland.

The Convener: Thank you.

The purpose of this meeting is to enable everyone to discuss the issues that the petitioners, William Smith and Scott Robertson, raised in relation to training, compensation and contracts for young players. We have around an hour for this important discussion, and I thank you all for giving up your valuable time to be here. Your presence will really help us to have a quality debate.

If people could speak through me, that would be helpful. I will start the questions, and if anyone feels that they are best qualified to answer they should indicate to me that they want to respond.

What changes in policy and law have taken place since the petition was brought in 2010? I will behave in a way that is typical of politicians, by answering my own question: I know that the Bernard ruling of the European Court of Justice stated that the transfer fee element must not exceed the cost of training individual players.

Andrew McKinlay: We have made changes in a number of areas since the petition was brought, and we have been involved in a number of discussions with Mr Smith and Mr Robertson.

One of the main changes was in relation to the reimbursement of training costs. It is important to note that the issue is set against the backdrop of the Fédération Internationale de Football Association requirement for associations to have in place a system for rewarding clubs for investing in the training and education of players. That is a mandatory requirement for associations.

One issue in the past was that there were two systems of reimbursement for training costs: one was governed by the SFA and the other was governed by the Scottish Premier League. The

Scottish Football League, as it was at the time, used the one that we used. Some of the figures in the system were regarded as fairly random and it was unclear as to how they related to what was actually spent, so we undertook an exercise to consider what clubs were spending on the training and development of players.

It became clear to us that there was a clear correlation between what was spent and clubs' star ratings under the club academy Scotland scheme. Because of that, we set up a new, matrix-type system—basically, the higher up a club is, the more it has spent and the more it expects to get in reimbursement of training costs.

In tandem with that, we brought in two new rules, which make it quite clear that no rights of compensation that a club might have shall prevent a player from moving to a new club. In the past, there was a perception that clubs that were due compensation were stopping players from moving to new clubs. We have put in a rule so that clubs cannot do that.

On the limited occasions on which there have been issues—in the two years since I have been at the SFA I would say that there have been less than a handful of cases—we have been brought in as mediators. We help the club, the player and the parents to look for a compromise, so that the player can be released to the new club.

That is probably the biggest change that we have made, although we have made others, as the RealGrassroots guys are aware. One is in relation to the registration and licensing of team scouts. We brought in new rules on that and put in place a new process so that the senior clubs have to register their team scouts. That has been quite successful.

There was also an issue about players being released from club academy Scotland clubs and appearing to go into the ether, so to speak, and being lost to football. That is not a good thing, so we have set up a process whereby information is passed back to the Scottish Youth Football Association to reunite those players with the clubs that they came from originally, or any other club, in the hope that we do not lose them to football.

Another significant issue was that players in club academy Scotland were not allowed to play for their school teams. The rule has been changed so that they can play for their school teams, although it is still at the discretion of the club academy Scotland club. I have had quite a number of discussions with various people involved in that and I would say that clubs generally provide support in that area. Many players who are club academy Scotland players still play for their school teams.

That gives you a broad overview of a number of areas in which we have made changes in the past couple of years.

Neil Doncaster: I thank Andrew McKinlay for that helpful exposition of the changes that the Scottish Football Association has made. We have also made changes. We have been working closely with the SFA since the merger last summer. Last time I was here, there was concern about allegations that young players were somehow being auctioned and that clubs in whose players interest had been registered by an acquiring club were not passing that information on to the young players.

The rules have been changed from this summer, which means that any club wishing to acquire an amateur young player must register that interest with us—the league—and we pass that interest on to the player and his parents, so that they are in full possession of all the facts about any clubs that are interested in signing the young player and they have a choice about what to do. If that process is followed, there is a prohibition on any inducement to stay or go being offered either by the club wishing to acquire the player or his current club.

William Smith: I have two things to say. First, the Scottish Football Association has been more than helpful and has sat down with us and talked about the issues. Sadly, I cannot say that about the Scottish Professional Football League. It has shown no interest or enthusiasm in speaking to us about anything relating to the serious issues under its control.

As Andrew McKinlay said, we have attended several meetings, some of which were at the invitation of the SFA. We are grateful for that, and we have a good working relationship with the SFA. I cannot say that that exists with the league because we have never been invited.

I wish to take up the point about bartering with a 13 or 14-year-old. As Mr Doncaster said, Mr Sinclair from Rangers Football Club, supported by Mr McCart from Celtic Football Club, told the committee about a young player who was being traded off between two professional football clubs to the highest bidder. I would ask any parent sitting around this table whether they would like their son to be in that situation.

As Mr Doncaster has just outlined, a rule is now in place that parents must be informed. It is four years since Mr Sinclair gave evidence, supported by Mr McCart, and that rule is only just being introduced. That reflects the arrogance of the organisation headed by Mr Doncaster. The clubs in that organisation are interested only in getting whatever money they can out of a young potential player. Some of them do not even have the

facilities to justify the claim for that money. We are concerned about that incident in particular.

10:15

I know that the committee's membership has changed since its first meeting on the subject four years ago, in 2010. The meeting at which Mr Sinclair appeared, when he gave evidence, was in 2011. After that meeting, we wrote to Mr Doncaster, asking him to investigate the credibility of Mr Sinclair's and Mr McCart's evidence. He refused to do that, stressing that there had been no breach of the rules. He wrote to one of our supporters who helped us with the petition, the former MSP Trish Godman, referring to the Olivier Bernard case and outlining some points in it. However, he did not outline that the European Court of Justice ruling in the Olivier Bernard case said that only the costs should be met. We have profiteering in our game, and that is wrong.

The Convener: Thank you. We are quite tight for time and have a lot of questions. Politicians are well used to speeches, but I ask witnesses to be a bit shorter in their contributions.

Mr Robertson, do you want to add anything briefly on the points that have been made?

Scott Robertson: Yes. I will be as brief as I can be, convener.

I am aware of—and glad about—the changes that the SFA has made. I got a copy of the document. I do not quite understand, though, how it is more expensive for Celtic to have 16 kids and a coach or two coaches on a training pitch than it is for Airdrieonians, for example. The system calculates that the compensation level for a six-star-rated club is £15,000 while the level of compensation is lower for a one-star-rated club. I do not get that. Perhaps that could be addressed at some point.

I am glad to hear that a rule has been brought in to stop clubs preventing kids from playing football—I was not aware of that. I am, however, aware of two cases that are running just now. Perhaps I can get an answer on them. A kid has been in touch with us who has not played football since 25 June last year. He is a talented player who was on professional books, but he has not been able to play football because compensation has not been paid. I have a print-out of his player passport in front of me, which states the facts. Another lad has not been registered or played football since 21 November last year because clubs cannot agree on the level of compensation. That seems, unfortunately, to fly in the face of what Andrew McKinlay said; I take issue with that.

Finally, the exit strategy for players leaving the club academy Scotland clubs was mentioned. The

SFA now sends an email containing an Excel spreadsheet of that information to the Scottish Youth FA—last week, 19 players were released. The Scottish Youth FA does not know what to do with that list and sits on it, so that information is not sent to clubs such as Musselburgh Windsor and Hillwood Boys Club. The information on those 19 players a week who are being released from professional clubs is sitting in a database and doing nothing because the Scottish Youth FA does not know whether, because of the Data Protection Act 1998, it can send me the information that John Smith lives in Musselburgh and plays at right back, along with his address and telephone number. That is not the full answer.

John Murray: Regarding the comparison between Airdrieonians and Celtic, Mr Robertson does not understand the criteria around club academy Scotland. Celtic has one of the top academies in Britain and employs full-time scouts and coaches. It employs qualified coaches and various others, such as physiotherapists, which costs money. Airdrieonians does not meet the same criteria. Similarly, a lot more money is paid by Celtic than is paid by Hearts—that is a fact. Celtic and Rangers pay a fortune—a lot more than any other club—for their academies, and the compensation is based on that. Airdrie might have four teams, but Celtic might have six teams plus development squads who move on to the under-20 team. A lot more people are involved in Celtic and Rangers than are involved in most clubs in Scotland and Britain.

I think that the compensation figure that Mr Sinclair gave you in 2011 is wrong. There is no reason for that amount of money to be paid for any player in Scotland. There is a set figure, and I believe that the player went for that figure, not the figure that Mr Sinclair quoted. I was appalled by what Mr Sinclair said at that meeting. I assure you that I would pay not one penny more for any player in Scotland than the training compensation that is required under legislation.

The Convener: We are not lawyers, but that is my understanding of what the Bernard ruling identifies—it is the cost.

I am conscious that my colleagues have questions, too, so I will move quickly on to my next question, which is straightforward. Why is registration required at all for young players? What is the benefit to a young player of being registered? Our briefing on the petition states:

“The Age of Legal Capacity (Scotland) Act 1991 provides that a person under 16 years of age has no legal capacity (subject to exceptions) and generally, contracts with minors are voidable.”

Does Mr McKinlay or Mr Doncaster want to say anything on that?

Andrew McKinlay: I will answer the second point, which was about the age of legal capacity. At one of the first meetings that I had with the RealGrassroots gentlemen, they made the point that it would be unlawful for anyone who is under 16 to enter into the agreements, and they said that they had counsel's opinion to that effect. I asked them to share Mr McGregor's opinion with me, which they kindly did.

It is unfortunate that Mr McGregor is not with us today, but I assure the committee that his opinion does not say that the approach is unlawful. People of that age can enter into contracts—their parents can enter into them on their behalf. If there is an issue with a parent entering into a contract that is not in the best interests of the child, that issue is between the child and the parent, so the contracts are not per se voidable. That is the legal response, and it is from counsel's opinion for RealGrassroots.

Neil Doncaster: I will respond to the first part of the question, which was about the point of a registration system. It is a record of exactly where young players are and who they are training with but, primarily, it provides the basis for insurance for the players. We have a system of insurance for the league and all its member clubs, which of course covers the players in those clubs. There are good legal reasons why there should be a system of registration.

John Murray: I just add that the registration form that our players sign is exactly the same form that the boys club players sign. It is not a contract. The form that my players sign for Hearts is the same form that players sign for Musselburgh Windsor and the boys club. It is exactly the same form, so if we cannot do something why should they? It is exactly the same form, which is registered legally by the SFA and the SPFL. I would like to know what the difference is between their forms and my forms.

William Smith: I do not know what John Murray knows about boys club football, but it appears to me to be absolutely nothing. The fact is that there are no forms in boys club football that a child signs at 15 years of age for a one-year registration and that the club can continue against the player's wishes. Under SYFA rules, my club, Hillwood Boys Club, does not have the right to continue the player's registration against his wishes. That is the bottom line on that, Mr Murray. As far as that is concerned, he is completely wrong.

I ask Mr Doncaster and Mr McKinlay to explain why a 15-year-old child has to sign a registration document at that age when professional footballers are free of that through the Bosman ruling and when the Scottish Junior Football Association has from this year scrapped that. Why

do we target 15-year-old children to continue their registration after they complete the period?

The Convener: I will allow Mr Murray to respond quickly. I know that there are strong feelings on the issue, but I ask that we try to deal with each other with courtesy. That would be useful.

John Murray: It is the same form that is signed. Bosman applies to players who are 23 and over and not 15-year-olds. Players are free on a Bosman at 23, not under it. I am not aware of European rules on registration forms, but that is a fact—players are free to go at 23 and up, but not under it.

The Convener: I will bring in Mr Doncaster and Mr McKinlay to respond to the points that Mr Smith has raised.

Neil Doncaster: I am happy to endorse John Murray's response. The Bosman ruling applies to players who are over 23. The FIFA system of compensation for training has in effect been endorsed by the European Court of Justice in the Bernard case, which makes it clear that compensation for players below the age of 23 is entirely permissible and within European law.

The Convener: To follow up on my initial question, is that where the Bernard ruling comes in? Basically, the compensation should reflect the costs to the club of the training.

Neil Doncaster: Absolutely. We have put in place a system that aims to do exactly that. Depending on the star rating of the academy from which the player comes—

The Convener: Not everyone round the table is as expert on football as you gentlemen are, so I want to check that I fully understand the issue. The Bernard ruling states that, if a player leaves, there can be compensation that reflects the star rating of the facility.

As we just heard, Celtic have an expensive set-up, which reflects the size of the club. If a player from Celtic goes to another club, the other club must pay compensation that reflects the costs to Celtic of training that player, but there is no premium above that.

Neil Doncaster: Exactly. The changes that will be made to our rules this summer will prevent the auctioning of young players, about which an allegation was made previously. From this summer, our rules will prevent that from happening, because the player would be alerted by us to any interest in them and the compensation sums are set out clearly in the rules.

John Wilson: On that point, we have received as one of the papers for today's meeting a copy of

a letter from Vincent Lunny of the SFA to Mr Smith. It basically says that, although the SFA and the SPFL have set tariffs, no penalty will be imposed on any club that decides to breach those tariffs. Do the tariffs that have been put in place take on board Mr Murray's point about the difference between six-star clubs and one-star clubs? How can clubs continue to breach the tariffs that have been put in place without any penalties being applied to them?

Andrew McKinlay: I will take that. The letter that you refer to was from my colleague Mr Lunny, who is the association's compliance officer. The matter was referred to him in general terms. It might be the case that the evidence that Mr Sinclair gave several years ago, in which he said that extra money was being paid, was being referred back to. There is nothing in our rules to say that, if extra money is paid, that is a breach of our rules. I do not understand how extra money can be paid under the new tariff system. In general, we do not put in place rules for things that cannot happen.

We have two sets of rules. I have touched on our rules and I am sure that Mr Doncaster will talk further about the SPFL's new rules.

Neil Doncaster: The situation is exactly the same. Any young player who goes between two of the 42 clubs in the SPFL is covered by that system, which sets out exactly what the training compensation should be for each size of club.

The Convener: Let us take the scenario in which a club with big pockets really wants to sign a young player who is aged 15. Will the host club negotiate what the compensation is, based on their costs? Is that how the process works?

Neil Doncaster: No, that is not what happens. The compensation that is payable is set out clearly in the rules. A big club with large pockets that wishes to acquire a player would write to us and we would alert the player and his parents. He would then be able to choose whether to stay with his existing club or whether to go to the new club at the end of that year. In the event that he decides to go to the new club, the compensation that is payable is set out in the rules.

The Convener: If the large club says to the parents, "This is what the compensation scheme says should be paid, but we wish to make you another payment," can that happen?

Neil Doncaster: That is prohibited by our rules and would be a breach of our rules. We would bring a disciplinary case if we had evidence of such a breach.

Chic Brodie: Good morning. To your knowledge, has there been a breach of the rules? What investigations have you carried out to ensure

that the rules are being complied with? I have a suspicion.

Neil Doncaster: I am not aware of any breach of our rules. If anyone has any—

Chic Brodie: Have you checked?

Neil Doncaster: Well, we have a—

Chic Brodie: Have you checked the total payments that have been made in the circumstances that have just been described?

Neil Doncaster: I am sorry, Mr Brodie, but I am not sure that I follow what you are suggesting. If we have evidence of any breach of our rules, we will investigate that. We have no such evidence before us. We do not go on fishing expeditions to look for alleged breaches. If people have allegations of wrongdoing or of breaches of our rules, they should bring that evidence to us and we will investigate. We have seen no such evidence.

Chic Brodie: So you do not enforce compliance or do any auditing. We are talking about young men—and, indeed, young girls—playing a sport that they enjoy. You carry out no fishing expeditions—to use your term—to ensure that the rules are being complied with.

Neil Doncaster: I am sorry, but I do not follow you. If people are alleging that rules have been breached, let us see what the evidence is. I have no such evidence in front of me.

The Convener: We will move on, because a number of committee members have questions to ask.

Cameron Buchanan: Why does the registration process for players aged 15 and over differ from the process for players aged 14 and under? Why is there a barrier at the age of 15? Is that arbitrary?

10:30

Andrew McKinlay: It comes from the clubs. We are a members' organisation, so our rules come from the wishes of the clubs. There was a discussion several years ago about it, and the view is very much that 15 is the crucial age for the development of players. Clubs are happy for those younger than 15 to move on after one year, but they feel that for 15-year-olds they have made a sufficient commitment and therefore should be allowed to keep the player. That is why there is the difference that you described. John Murray might be able to add to that point.

John Murray: Young players between 13 and 15 are going through puberty and have growing pains, Osgood-Schlatter's and various illnesses. During that time, players' form deteriorates for a

while. We think that by 15 most players have gone through their growth spurt and that we can then judge better the quality of their ability. Because of our investment in them, we like to ensure that we keep them until they are 16 or 17.

The ability and quality of young players go up and down like yo-yos. For example, we have had players at the club for one year who have been injured because of Osgood-Schlatter's, so we protect them and keep them for another year as they recover from injury. We think that, when a player is 15, we can better assess their quality and whether to maintain our investment in them a lot longer.

Cameron Buchanan: So using the age of 15 is, in effect, arbitrary. It is not a particular rule. It is one that you have imposed or regulated for.

Andrew McKinlay: It is based on the situation that John Murray described.

Cameron Buchanan: I understand. Thank you.

Scott Robertson: The comment was made that the Bosman ruling does not apply unless a player is aged 23 or over. We understand that, but what we are suggesting is that the principle should also apply to young players.

Mr Murray is correct that the front-facing registration form is the same, but the rules behind it are different. I will give you a couple of examples. If a player signs a registration form for a boys club when he is 13, should he decide halfway through that for family reasons he wants to leave and move somewhere else—or if he has to leave because the family is moving—he can do so after 28 days by writing to the SYFA. However, young players who have signed the same registration form cannot exit from, for example, Airdrieonians, Hearts, Hibs or Celtic—there is no such get-out clause.

We can move that up to the 15-year-old's situation. I know that Andrew McKinlay said that that situation is not illegal, but Malcolm McGregor said:

"the current regime is flawed ... it imposes a contractual regime on youth players and clubs in which the former are placed at a clear and distinct disadvantage in which they have no bargaining power and effectively no remedial rights."

If someone signs a registration form when they are 15 and they complete that commitment for one year, the club can hold them for a second year and the player has no say in that—he has no get-out clause. If at the end of the second year the club wants to keep them for a third year, it has the power and authority to do that—the player and the parents have no say in that.

A number of organisations, such as the SFYA, Malcolm McGregor's Compass Chambers and Bridge Litigation UK, share FIFPro's view that

"retaining players after they have expressed they want to leave after a season is not acceptable. This infringes fundamental rights."

We heard the same from Tam Baillie, Scotland's Commissioner for Children and Young People, and that view was reflected by the FIFA disciplinary committee when it dealt with FC Barcelona. William Gibbons expressed the same point in a letter, the Scottish Trades Union Congress and the Scottish Child Law Centre have also made that point, and Henry McLeish flagged up that there was a duty of care that was absent.

John Murray: First, the reason why the players go into a dual age band for 15 and 16-year-olds is because we halve the number of players in each squad. For example, as the 15-year-olds move to being 17, we reduce the number of players in the system—which is what I thought you were after in the first place, Mr Robertson. Therefore, if we have a squad of 15, 16 and 17-year-olds, we basically have 48 or 54 players in our system. By going with the dual age and the three-year registration, we halve the number of those players in the club. We go from, say, 44 players to 22 players. We actually do what you are asking and reduce the number of players.

Plus, we have a duty of care to all our players. To say that the player cannot leave is wrong. I let a player of 14 go this week because his family had moved house. That decision is up to the individual club, but I would be appalled if a club kept a young player who had moved house. I am not saying that that does not happen, though.

On the point about principles, we all have different principles and clubs work with different principles. I certainly would not keep a player who moved house, but I am speaking for my club and I cannot speak for Rangers or Celtic. Some of the points that you are making are completely wrong.

The Convener: Thank you very much. I want to bring in Mr McKinlay to respond to Mr Robertson's points.

Andrew McKinlay: A number of issues were mentioned. I will try to pick up on them, although I may miss some.

We are throwing around quite a few analogies and examples, but we must be careful when we do that because, as lawyers know, a lot of them turn very much on the facts and the circumstances. The Bosman ruling has been thrown around a lot this morning. There is nothing in the ruling that prevents clubs from having one-way options to extend contracts. Bosman is about someone who comes to the end of their contract and has no contract whatsoever.

The Barcelona case has just been mentioned. That case is all about the movement of minors— young boys—from South America to Spain. FIFA has very clear rules on the cross-border movement of minors. I do not think that we should be using that as an example.

John Murray has talked about family reasons. Where there have been issues and clubs have perhaps not had the same principles as the ones John mentioned, we have been asked to mediate a couple of times. Generally, we can find a compromise. We are allowed to cancel a registration if it comes to that. We do not use that mechanism lightly, but in scenarios in which it is obvious that the club is abusing its position we have the authority to do that.

William Smith: May I come in, convener?

The Convener: Very briefly, Mr Smith, because we are getting a bit short of time and we still have lots of questions to ask.

William Smith: I will be very brief. On Mr Brodie's question to Mr Doncaster, Mr Doncaster said that there was absolutely no evidence of a breach. This is the extract of Jim Sinclair's previous evidence that Mr Doncaster sat and listened to, in which he described how a child was traded off against two clubs.

The Convener: Mr Smith, you just held up a copy of the evidence to which you referred. It will be difficult to report that in the *Official Report*. Is it possible that you could give us a copy of that information?

William Smith: You have that evidence—I am referring to Jim Sinclair's previous evidence to this committee. Mr Doncaster was at that meeting and he heard that evidence, but he declared to Mr Brodie that he did not have any evidence to investigate. We wrote to him and again provided him with all the evidence, but he refused to investigate. We passed it on an official complaint form to Vincent Lunny, the compliance chap from the SFA. We asked Mr Lunny to interview Mr Doncaster about Mr Sinclair's evidence, but he refused to do that. We asked him to interview Jimmy Sinclair from Rangers FC, but he refused to do that, too. That shows the lack of co-operation that we have had on the matter.

The Convener: Thank you for that. I will bring in Mr Doncaster because he was mentioned.

Neil Doncaster: I find myself at a loss to understand what this campaign is aiming to achieve. If an allegation is made that rules have been breached, let us understand what rule has been breached and let us see some evidence. We are not aware of any evidence of any rule having been breached.

We are concerned about what was put in front of us when we were at the previous committee meeting in relation to the allegations about auctioning young players. As I have explained this morning, we have put in a place a system that ensures that there should be no incentive for that to happen. We will alert any player if there is any interest in him by a club seeking to acquire his registration.

I repeat: if there is an allegation that a rule has been breached in the past, let us see the evidence of that and let us understand what rule we think has been breached.

John Murray: I want to find out what Rangers or Celtic paid for the player mentioned at the previous meeting. I am aware that the figure that they paid was not the figure that was mentioned at that time. There is no need for anyone to pay more than the figure that was asked for.

William Smith: Convener, can I answer—

The Convener: We have quite a lot of other questions to get through and I would rather keep to the broader principles than cover the specifics of individual players. Otherwise, we will miss some of the major points and we will have to move on.

Mr Brodie has a question.

Chic Brodie: An issue that has always concerned me, particularly given the state of Scottish football, is why we still have two organisations running our sport. How sure are you that you are applying the regulations in the same way?

Neil Doncaster: I think that there may be one country in Europe with a unitary set up in which a league and FA work together. Other than that one country, I am not aware of any other that operates that unitary system—

Chic Brodie: I am interested in Scotland.

Neil Doncaster: Scotland matches the situation in the majority of countries in Europe where there are one or two leagues and then a governing body. That separation is very much what happens elsewhere in Europe.

Our role as a league is to run a fair competition for the 42 members—the professional clubs—and largely to commercialise that. We work hand in hand with the governing body, which lives down the corridor from us at Hampden. We co-operate on a daily basis; I see Andrew McKinlay and his colleagues every day.

There is a good level of co-operation. In fact, given our separate rule books, we are working together to ensure that, where there is overlap in the rules, we are clear about who takes priority. We have an extremely good working relationship and, when issues arise, we work with the SFA to

look at them. There are suggestions that we are not listening and that we do not care, but that could not be further from the truth.

Chic Brodie: I am not suggesting that you do not listen and you do not care, but you have just said that your processes overlap and that you walk up and down the corridor talking to each other about things. This is a very serious issue as far as I am concerned. Reading the petition is like reading a Dickensian novel. We are looking at how we can foster youngsters for the good of football. Why do we need two bodies to oversee compliance in the registrations?

Neil Doncaster: There is a single system that has been agreed with the 42 clubs and the Scottish FA, and it deals with compensation that is based on the star rating of the academies. There is one system.

Chic Brodie: Okay. Let me move on. Mr McKinlay, what is the audit process for the public funds that are distributed by the SFA?

Andrew McKinlay: That is probably not within my remit, Mr Brodie.

Chic Brodie: If you cannot answer that now, I am happy for you to write in. It seems as though a fair amount of public funding is going through sportscotland to foster young footballers, but I cannot see any evidence of the audit process, where the money goes, and how we can follow the money.

Andrew McKinlay: I have read the evidence given by Mr Doncaster, Mr Regan and Shona Robison to the committee in 2011, when that issue was explored in depth. They talked about the audit process and how sportscotland comes in and audits the money. I do not want to pretend that I am an expert in that area in case I mislead you, but the committee has gone over that and the process was explained.

Chic Brodie: The answer to this might depend on the frame of reference of the solicitors that you discuss this with, but to what extent can the registration be considered a contract between the club and the player or the player's parents?

Andrew McKinlay: Football has two separate things: a registration form and a player contract. The people who we are talking about here do not enter into football player contracts. They sign a registration form. Again, that point was rehearsed at the 2011 meeting. We can get into the legal semantics about what is and what is not a contract, but football's view is that these are registration forms that are signed by the child and their parent. They do not sign what football views as football contracts. Those are for professional players.

Chic Brodie: Mr Doncaster, do you want to comment?

Neil Doncaster: There is nothing I can add to that.

Chic Brodie: To what extent do the obligations that are placed on young players act as a barrier to them moving to other clubs, particularly in situations like the one that we have just heard about of someone who is moving away from the local area? In those circumstances, and given that we are trying to encourage youngsters to enjoy their football, not to be a means of speculation, what barriers are placed on those young people?

Andrew McKinlay: Mr Murray touched on the fact that many clubs do not use that as a barrier. If a family moves in the middle of the year, the club lets the player go. It is not in the club's interests to hold on to a player who does not want to be there. As I said in response to another question, less than a handful of instances have been brought to me in my two years in the association. I think that only one has been brought to me in which a club refused to let a player go. We became involved and managed to get to a situation in which an amicable compromise was reached and the player was released. It is not brought to my attention daily that clubs refuse to let players go all the time. If it was, I would be horrified.

10:45

Chic Brodie: So you have no evidence.

Andrew McKinlay: None has been brought to my attention.

John Murray: When the parents come in to sign the registration form, the training compensation is explained to them, as is what happens at the end of the season. They are given reviews of their child's performance during the season. At end of the year, every player can leave and go to a boys club or wherever they want. No player is unhappy unless someone comes for him; 99 per cent of players who sign for clubs are happy until a bigger club comes for them.

We have a lot of players at the end of the year and let go—let us say for argument's sake—two players per age group. Some of the boys go to another senior club and some go back to a boys club. Very few players leave football and do not play it. They either go to a smaller club in the club academy Scotland scheme or back to a boys club. The idea that the players are lost to the game is nonsense. Those boys find a level to play at every year.

Chic Brodie: I hear what you say, Mr Murray—that you are all doing the best for the youngsters. I heard earlier that, in some instances, they might not be allowed to play for their schools. We must

recognise that, as I read into the situation, we are talking about speculating with young men and young women who want to play the game that they love. It is about nothing other than pure business speculation using young people and limiting their ability to do the thing that they enjoy most. For example, it is a nonsense to say that they cannot play school football.

Andrew McKinlay: I will respond to that specific point. What I said earlier was that, in general, clubs release players to play for their school teams. There was a lot of discussion about that when the matter last came before the committee. There are boys who have played perhaps five, six or seven times a week for their club academy Scotland team. John Murray will be able to give more information on that. We do not want to burn out young people either. We must be very careful with that.

John Wilson: I have a question about how someone would challenge the registration process. Mr McKinlay said that he was aware of one challenge in the past two years. Are parents, guardians and young players aware of the procedures for challenging the registration process? How would they go about it and what body would hear the challenge?

Andrew McKinlay: If there is an issue under our registration rules—which it is most likely to be—the parents have generally spoken to the member of our staff who heads up the club academy Scotland scheme in the first instance. In many cases, he is able to sort matters out before they get into an argument about our regulations.

If there is evidence, or a belief that there is evidence, to show that the regulations have been breached, it should be sent to me or the chief executive. In either case, we would pass the matter to the compliance officer, who would consider whether there had been a breach of the regulations and, if there had been a breach, would take the appropriate action against the club.

William Smith: I will enlighten you, Andrew. You said that there had been only a handful of disputes since you started with the SFA. We had a case that almost went to court until the professional football club involved withdrew from holding the player to get compensation and let him go for nothing. We are currently waiting on word from the Scottish Legal Aid Board on whether we will get legal aid to take a club to court on behalf of another player over refusal to release him from his contract. We also have another case pending, so it is obviously more prevalent than you know.

The Convener: A quick warning: we have to be careful about talking about any on-going legal cases, so I would appreciate it if people did not mention the names of the cases.

Andrew McKinlay: I can speak only to cases that are brought to my attention, obviously.

John Wilson: Although I do not want to go into the detail of the individual court cases, it would be useful if Mr Smith could give an indication of why it was felt necessary to go to the expense of going to the courts rather than go through the procedure that Mr McKinlay outlined of going through the compliance officer.

William Smith: In both instances, the parents exhausted the options with the clubs first. The parents had no knowledge of the next form of approach that was available. In both cases, Sandy Bryson, the registration secretary, was contacted and he said, “That’s the rule. That’s it. He’s registered. They can claim compensation for him.” Those parents have letters to that effect.

Andrew McKinlay: I can respond to the point. The difference is that those are probably not cases where there is a breach of rules; they are cases where someone feels that they have to go to court because they believe that our rules are somehow unlawful.

William Smith: The only way that we will get the issue resolved, other than through Parliament, is by going to court, so that a ruling can be made on a contract for a 15-year-old that means that a club can hold someone against their wishes for two years. That is what is being taken to court.

John Murray: In the past 18 years at Hearts I have tried to sign players from boys clubs and met a lot of aggravation. Some boys clubs refuse to release the player’s registration so that he can come to Heart of Midlothian Football Club. It is not a one-way street. I have had players who have left boys clubs and I want to sign them. I have gone to register the form and been told, “Oh, he’s still signed by the boys club.” Until recently, boys club registrations continued on for years. I can check a player on the SFA website and find that they signed with a boys club 18 months ago. Hopefully, that has changed now, but I have had situations in Edinburgh where I have had people refuse to release a player to come to Hearts.

The Convener: I will bring in Angus MacDonald here because I think that his question touches on that.

Angus MacDonald: I want to discuss registration. Andrew McKinlay mentioned that parents are closely involved in the registration process. Scott Robertson claimed that there is no get-out clause, which was challenged by John Murray. To pick up on points raised by my colleagues Chic Brodie and John Wilson, what advice are young players and their parents or guardians given at the time that registration is being contemplated? What is done to ensure that

the player and their parents or guardians understand the implications involved?

Andrew McKinlay: I suspect that it is different from club to club. John Murray will be able to speak for Hearts. From my perspective, there is a form. It is not a long form. It is just over a page long; in fact, I think that you can now get it on one side of A4. There are five clauses in it, each of which is signed by the player, the parent and the club. It is not written in complicated legalistic language. I am not saying that, in the heat of the moment, someone might not say, "Yes, I'll sign it," and off they go. I am not trying to pretend that that might not happen. However, the process is intentionally made as simple as possible.

Angus MacDonald: I have just been given the form and it looks fairly straightforward.

John Murray: We sign a form for the SPFL and the parents sign all the documentation. There is also a club code of conduct and a player-parent code of conduct. It is quite an intense registration process. The players are given the documentation explaining that they are signing for one year, or it says on the registration form that it is a three-year registration. That is explained to all the parents, certainly at my club and, I believe, most clubs. We have a duty to the players and their parents to ensure that they know exactly what they are signing.

Angus MacDonald: So they are presented with the documentation. Do you have a one-to-one with the parents or guardians?

John Murray: Every player who signs at Hearts will sign with a guardian, carer or parent there. The forms are explained to them. We go through a process with each individual parent. On some occasions, we bring them in as a squad and we fill in the forms. They read all the forms before they sign them.

Scott Robertson: It was a move in the right direction that the parent had to sign in five different places. It was perhaps an indication of the poor practice that was going on that required a form to be brought in that had to be signed five times. That is not something that you do in youth football.

If I can bring this to boiling point—

The Convener: That is always a worrying term to hear.

Scott Robertson: It is not the term that I meant to use.

What do we want? Compensation is allowed by FIFA, but William Smith and I would argue that compensation should be paid to a training club once a player has turned professional, not while they are 12 or 13.

The other thing that we want is to put the child at the centre of all this. Do committee members think that it is fair and reasonable that, at 15, a child can sign a one-year registration and the club then has the power to keep them for a further three years without their having a say in it? Would they allow that to happen to their son or daughter? There is no get-out clause.

Those are the two burning issues for us.

The Convener: Thank you. I ask Mr McKinlay and Mr Doncaster to give a couple of quick responses to Mr Robertson's points.

Andrew McKinlay: I think that we have covered them, to be honest.

We feel that we have come up with a system of compensation that is much fairer and clearer and that is based on a proper reimbursement of training costs. As I said earlier, FIFA has made it a mandatory requirement for us to put that in place.

In relation to the second point, John Murray explained earlier why 15 is seen as an important age. You are right to say that there is no get-out clause. However, in practice—we have talked about this several times this morning—when players have looked to get out, that has often happened.

Neil Doncaster: I agree with that. We have ended up with a very fair and balanced system that understands and reflects the interests of young players as well as those of the clubs. It is imperative that we retain a real incentive for clubs to continue to spend huge amounts of money on training young players. We should be very cautious about doing anything that would remove that incentive. If we ended up having the freedom that some people are looking for but clubs did not want to train players any more, that would not serve Scottish football or Scotland in any way.

The Convener: I will take a very quick point from Angus MacDonald.

Angus MacDonald: We have heard the allegation that young players are not playing because clubs cannot agree on compensation. What do you say to that?

Andrew McKinlay: There should be nothing to agree. There is a clear matrix that gives the amount of compensation that is due. Whether a club wishes to pay that amount for a player is entirely up to that club.

Angus MacDonald: It seems crazy to have players sitting idle, for want of a better expression.

Andrew McKinlay: That is why agreement is often reached with the other club that no compensation or a lower amount will be paid. An amount has been set that is based on the

reimbursement of training costs to clubs that have spent a lot of money.

The Convener: I will take a very quick point from Mr Murray, but we must move on.

John Murray: I do not know anyone who would not want their sons to achieve something better, and the incentive for a player to go from grass-roots football to senior clubs is that they can improve through better coaching by qualified coaches in a better structure. I do not know any parent who would not want that for any of their children. I assure you that, up to the age of 14, any kid can walk out from the club any time they want. I have not seen any of these statements about certain things.

There are 3,500 players playing, and we have to pick the cream of the crop—that is our job. In grass-roots football, I know of teams in Edinburgh that have three or four teams of the same age group, all of whom are paying money every week to play football, yet every one of the 42 clubs in Scotland does everything free of charge for its players. Everything is done for them regarding their health and nutrition, their football training and everything else.

The Convener: I will bring in Mr Robertson and Mr Smith later, as we have to get through a couple of other questions.

David Torrance: I think that my question has been answered, but if anybody could add anything, that would be welcome. What are the positive and negative aspects for young players of the new compensation scheme?

William Smith: We recognise that clubs should be entitled to compensation at some stage, but only when a player signs a professional contract. We forget that some of the greatest players who ever played football for this country did not come through the pro youth system or club academy Scotland. Where are the Sounesses, the Dagleishes and the rest of them now? Compensation was not in place for those players and was not necessary other than when they officially transferred between professional clubs after they had graduated through the boys club system, which has, in the past, proved to be far superior to the pro youth system in turning out players of the highest quality.

11:00

The Convener: Do Mr Doncaster and Mr McKinlay want to comment?

Neil Doncaster: I am not sure that going back 30 or 40 years is particularly relevant to today's environment. I think that we have a fair, balanced system in place, and that the interests of young players are properly protected. Any suggestion of

wrongdoing or a breach of the rules is taken very seriously. We have a good track record of pursuing breaches by our member clubs.

John Murray: I think that Mr Smith's argument is totally irrelevant—I cannot believe that statement. Years ago people thought that the world was square and not round. We used to have coal fires; now we have central heating. Things have changed. Things evolve, and football is evolving. That argument is totally unbelievable, I must say.

Anne McTaggart: I think that this question has already been asked and answered, but the witnesses are getting it again, because I want to drill down further. In what respect does the new scheme offer improvement?

Andrew McKinlay: It offers improvement because it is far clearer and is properly tied into the amount that clubs have actually spent. We have an obligation to put in place something that properly reimburses clubs. Every club spends a different amount, but we do not want a system that is different for every club; we want something that is workable. We feel that we have reached a balance, with a system that shows that the higher up a club is, the more it has spent. That is why we feel that it is a fairer system.

Anne McTaggart: To what extent does the compensation scheme support youth development, particularly in smaller clubs?

Andrew McKinlay: Smaller clubs are reimbursed for the money that they put in. John Murray can probably say more on that. Clubs find their own levels and are happy to work at their own levels. Some aspire to go up. We carry out an audit every year in relation to our club academy Scotland star ratings, and, as you might expect, we find that some clubs want to go up the star ratings. That option is there for clubs.

Chic Brodie: I talked about investment of public funds and the speculation that goes on. How do you measure the outcomes and success of the new process, given the current state of Scottish football, in terms of attendance and general success?

Andrew McKinlay: I will try not to ramble on too much about this. A couple of years ago, when the chief executive, Stewart Regan, came to the Scottish Football Association, a lot of work was done to put in place a new performance strategy. We have club academy Scotland; we also have performance schools and various other things. The strategy document was called "Scotland United: A 2020 Vision", for obvious reasons, so we might not know until 2020 whether we have been successful.

However—and this is very current—we are seeing good signs of things happening. For the first time in a long time we won the victory shield at schoolboy level last year. Just last week, we had an under-17 team in the finals in Malta. It was the first time ever that a Scottish team had got to the semi-finals of the European under-17 championship.

I am hopeful that we are seeing things, but I am Scottish, and it is the hope that kills us. [*Laughter.*] Let us hope that these things come through in time. We will be able to measure things only in hindsight, so that is a difficult one.

John Murray: I work only on the basis of the club system. I understand the Scottish national team, but my main job is to develop players for Hearts FC. We have loads of players, as do all clubs round Scotland, who are playing in lower league teams such as the lowland league and the first division—there are Hearts players playing in every league in Scotland. We also have players playing for boys clubs. Our aim is to get players into Hearts, so that they develop into good players and move on to a higher level, achieving better standards for Scottish players.

It is a fact that 99.99 per cent of players on the national team come from the top 12 or so teams in Scotland. Those teams invest the money because they want the best players. That is the same anywhere in the world. We are no different from anyone.

Chic Brodie: So we are measuring the financial benefits and not other benefits.

John Murray: No, no. I look for players to develop, to go and achieve better things—

Chic Brodie: You just talked about the money—

John Murray: No—

Chic Brodie: That is what this is about.

John Murray: No, I said that it is the top 12 teams that produce the players. At the moment, we pay money out to develop players. Boys clubs get money in from parents for their grass-roots football—they are self-financed. Clubs pay a lot of money to develop players, which we do for Hearts and for Scotland.

The Convener: We are in the final minute of this part of the meeting, so I will ask Mr Robertson and Mr Smith to make a final comment. I would be grateful if you could speak for less than a minute.

Scott Robertson: I will do. When we talked about the 15-year-old who can be held captive for three years, Mr Doncaster said that clubs feel that that is important—that is the right age and clubs want to put that mechanism in. We are not sitting here today to talk about what is best for a football

club and for a business. We are here to talk about what is best for a 15-year-old boy. The player has to be at the centre of the decision-making process, not the club.

William Smith: In relation to my previous comment, and the comments about what is being produced for the money that is being invested—Mr Brodie was going on about that—thank goodness that the Scottish team has between 10 and 12 players in the pool who were born in another country and play in another country. Mr Murray, that tells me that the system is failing the country, because you are not producing the players for it.

The Convener: There is obviously a wider issue here, but I remind everyone that we are talking about the merits of the petition. The committee's job is to consider how to take the petition to the nth degree. I want to give the last words to Mr McKinlay and Mr Doncaster.

Andrew McKinlay: In answer to your first question, convener, I talked about the steps that we have taken in the past two years. We have made a good number of changes. There will always be some rules that my friends the petitioners do not like. I am sure that they will not be happy until we change them and that they will continue to pursue change. I understand that.

Neil Doncaster: I do not have much to add. I think that Scottish football has made a number of positive changes over recent years. I believe that the system that we have now is a fair system, which looks after and protects the interests of players. Where issues have arisen or concerns have been expressed, we have addressed them proactively, in partnership with the Scottish FA.

The Convener: I thank all our witnesses for attending. These are difficult issues, and some fierce words have been spoken but, at the end of the day, I think that we are all interested in football and young players. The committee will consider the evidence and look at the next steps for the petition. I thank each and every one of you for coming along. I have appreciated all your comments.

11:07

Meeting suspended.

11:11

On resuming—

New Petitions

Edward Snowden (Asylum) (PE1515)

The Convener: Agenda item 2 is consideration of new petitions. The first new petition is PE1515, on giving asylum in Scotland to the University of Glasgow rector, Edward Snowden. Members have a note from the clerk, the Scottish Parliament information centre briefing and the petition. I welcome the petitioner—we are grateful to you for coming along, Mr Napier, and appreciate you giving your time. I invite you to make a short presentation of around five minutes, which will be followed by questions from me and my colleagues.

Mick Napier: Thank you. Five minutes is obviously a short time to deal with a topic as vast as the Government harvesting every single keystroke from everyone's computer, every single email, text message and search and millions and millions of webcam images, but let me try.

Edward Snowden was elected by an unprecedented number of University of Glasgow students. By electing him as rector, they are making a statement against saturation surveillance by USA's National Security Agency. The information that Edward Snowden has placed in the public domain is massively uncontested. The interpretation of it might be contested, but the information that he has put into the public domain about saturation surveillance by the American and British Governments of every single citizen is uncontested, and we owe him a huge debt.

The petition asks the Scottish Government to offer Edward Snowden asylum in Scotland now, conditional on a yes vote on 18 September. Irrespective of whether the people around the table are in favour of a yes vote, all can support the notion that a whistleblower such as Edward Snowden, to whom we owe a great debt, should be offered political asylum. He is in Russia at the moment. When the Americans cancelled his passport as he tried to get to South America, he was locked up for 39 days in the stateless person room at Sheremetyevo airport, during which time he applied to 21 countries for political asylum. US pressure prevented any of them from agreeing to his request. He says that he will take political asylum in any country that respects free communications and the freedom of the press.

The fact that Edward Snowden is in Russia is now being spun to suggest that there is something untoward about his situation in Russia. I am reminded of the old Yiddish story about the man who murdered his parents and asked for clemency

from the court on the grounds that he was an orphan. The Americans are now saying that, because he is banged up in Russia, there is something untoward about his relationship with Russia, but he is striving with might and main to exit Russia and get to some other country that will offer him asylum.

I do not have time to go through the whole thing, but in the time I have for questions, I can look at the various different programmes that Edward Snowden has put into the public domain that show that you are being surveilled almost every second of your working life through the harvesting of data.

He is a fugitive. He is trying to get here. We owe him a debt of gratitude.

The final point that I would like to make in my 300 seconds is that whistleblowers are people who deserve our support. I am talking about not only people such as Edward Snowden, who reveal something that is of great importance to all of us—he may be right that every child who is born today will never have any private life—but whistleblowers in the national health service. Only last month, Dr Raj Mattu was vindicated after having been suspended for many years for pointing out that patients were dying unnecessarily because of the cuts. As we know, Jimmy Savile committed horrific offences over many years—indeed, decades—while the talk in the BBC canteen was often, “What the devil is anyone going to do about him?”

11:15

Whistleblowers need support. If they do not get support, potential whistleblowers who could reveal illegality, misdemeanour, atrocities and so on will be intimidated. Many people would suggest that there is a democratic deficit in our society. Whistleblowers play a part in filling that gap.

I hope that I have not overshot my five minutes by too much. Edward Snowden has revealed information that we would not otherwise know about and which is of significance to every citizen in Scotland. He acted out of the purest of momentives. An offer of asylum to the man by the Scottish Government that was conditional on Scotland becoming independent in September would itself be news and would allow the members of the committee to strike a blow for a private life for all of us.

The Convener: Thank you very much for your comments, which were of great depth, and for keeping them within time.

On a personal level, I congratulate the University of Glasgow on electing Edward Snowden as rector in absentia. It has a track record—if my memory serves me correctly, on a

previous occasion it elected Winnie Mandela as rector. That was an excellent result.

I have a couple of questions. I did not intend to ask the first one, but your comments triggered it. You suggested that the NSA has been spying on Scottish citizens, too. Is there any evidence in the information that Mr Snowden provided that American agencies spied on Scottish citizens?

Mick Napier: Of the many programmes that Edward Snowden has revealed, there are five significant ones. The NSA can spy on any individual anywhere in the world, as long as they have an email address. The Tempora programme collects all emails, texts, browsing histories, passwords and webcam pictures. Even Facebook posts that people decide not to send but to recall are harvested, so it is not just what is sent that is harvested but what people might think about sending.

The Germans have experience of the Stasi opening a lot of letters. The German justice minister called the harvesting by Government Communications Headquarters of emails in this country “nightmarish”. Edward Snowden is on record as saying that GCHQ—I cannot remember the adjective that he used; it might have been “vicious”—is much worse than the NSA in its approach to harvesting information from citizens who are not even suspected of any wrongdoing.

The Convener: That might be an argument for another day, but I was interested in your comments.

I want to cover a couple of practical points, one of which you have partly dealt with. The United Kingdom has a duty and a role in relation to asylum. You said that America persuaded many of its allies not to offer asylum to Mr Snowden. I take it that the UK Government has given an official answer to the effect that it will not grant asylum to Mr Snowden.

Mick Napier: I hope that it will not come as a great surprise to the committee to learn that although Edward Snowden applied to 21 countries for asylum, I have no record that he even thought about applying to the UK, given that Mr Cameron is in bed with Mr Obama. He thought that applying to the UK would be a lost cause. I think that an application to Scotland would be seen in quite a different way.

The Convener: I do not want to get pedantic with you, but under the current arrangements, if the UK granted him asylum, he could come to Scotland, as we are still part of the UK. I just wanted to put on the record whether a decision has been made by the current UK Government on granting Mr Snowden asylum.

Mick Napier: As far as I know, no such decision has been made. He would not think that, under the present Government, the UK would be a safe haven.

The Convener: I understand that.

I have one more question before I bring in my colleagues. You will be aware that, if there was a yes vote, asylum would remain reserved until March 2016. Thereafter, it would be for the Scottish Government to make a decision on whether to grant Mr Snowden asylum. Have you had any indication from the Scottish Government about whether it is likely to look favourably on an asylum application from Mr Snowden in the event of a yes vote?

Mick Napier: The response to my correspondence was very unsatisfactory. It said that, in future, the Scottish Government would deal with each application on a case-by-case basis. I do not think that it is appropriate to say that Edward Snowden’s case would be dealt with on such a basis, because I think that we all owe him a favour. I am very disappointed in the Scottish Government’s response to my correspondence.

The Convener: Thank you Mr Napier. I will bring my colleagues in.

Cameron Buchanan: If Edward Snowden gets asylum in an independent Scotland, surely the Americans could still petition to extradite him, which would cost a lot of time and money. He would not get away with it, would he? That would be my worry—he would be extradited from Scotland to the United States.

Mick Napier: There has to be a crime first. Glen Greenwald and the team of journalists that has been releasing Edward Snowden’s information into the public domain, have just been awarded the Pulitzer prize. It is very clear that Edward Snowden is a whistleblower, that no crime has been committed and that no foreign state is involved. If the Americans wish to extradite someone, they have to specify a crime, and no crime has been committed. The appropriate response should be, “Thank you, Edward Snowden,” not a jail sentence.

Cameron Buchanan: We have the example of the Westminster bankers who were extradited from the United Kingdom to America and received long jail terms. America does not have a very good record on that sort of thing—it does not seem to matter whether a crime has been committed. Under our extradition treaty, he could be extradited on spurious grounds, and I would be worried that it could cost us a lot of time and money.

Mick Napier: Another individual who was elected rector by Glasgow university students in

2004 is an Israeli whistleblower called Mordechai Vanunu. He was lured to Rome and then kidnapped, injected and taken in a speedboat to Israel where he suffered 20 years in prison, including 12 in solitary confinement. He is still detained in Israel—he is not allowed to leave. There is therefore always the possibility of kidnap and extradition.

Edward Snowden would like to leave Russia and come to a country that has a free press and free communications, and it would be an honour for Scotland if he were to come here. He is a planetary figure. Most Americans consider him a whistleblower rather than a traitor. The discourse that treats him as a criminal is a minority discourse, and I ask the committee to act on the basis that we owe him a huge debt of gratitude for bringing into the public domain all the uncontested information about saturation surveillance of all of you as well as of me and everyone else in the room.

Chic Brodie: Where to start? What Mr Snowden did was brave. There are other figures, too, such as Michael Moore—the American writer, not the former Scottish secretary—who has illustrated many of the actions of the United States. Of course, this is not all about the United States. This morning, we heard about America and China and information being leaked.

My problem is with how we change the surveillance of each and every one of us that you rightly point to. It is wholly unacceptable, but I do not know that offering Mr Snowden asylum will change that ethos. That surveillance will still go on. I sympathise with his case. He certainly did a lot of people a favour by releasing that information, but offering him asylum here will not change the problem that we face of Governments that are not open or leaders who are unable to open their Governments.

Mick Napier: The same thing could be said about any other major world issue in the past, such as slavery or women not having the vote. A single action would not solve the problem; no one is suggesting that it would.

However, to go back to the previous question about illegality, the American President's own body, the Privacy and Civil Liberties Oversight Board, found that the programmes were illegal, so the burden is not on Edward Snowden to escape the accusations but on those who are running the programmes.

We need to discuss Edward Snowden coming to Scotland. A couple of weeks ago, he said on the record that at least his worst fear—that his revelations would be ignored—had not happened. Indeed, there has been a world-wide discussion and the issue is in the public domain. The higher

up the agenda the issue can be pushed, the better for us all.

There is no magic bullet. Serious problems exist with technology, in that every single keyboard stroke can be harvested. That was not possible in the past. When I watched spy movies as a kid, the fact that letters were opened between the post office and your address was seen as ominous and dark; now every single keyboard stroke can be harvested.

We face fundamental problems and, at the very least, we need a declaration of principle. The First Minister has made a declaration of principle that such intrusion is unacceptable and ominous, and you have done the same, Mr Brodie. However, we need more and more people to do that—we need a tsunami of opposition; perhaps then a solution will open up. We cannot let the matter be swept under the carpet.

Some of you will know more about this than I do, but GCHQ has issued a defence advisory notice to the BBC advising it very strongly—it is probably like a policeman asking you to pull over—not to run stories on a particular surveillance activity and British involvement in that activity. Therefore, we are already being prevented from accessing information. The BBC is colluding in that, as are Microsoft, Google, Skype, Yahoo and so on. They have all been very docile and obedient in supplying information to the NSA.

The problem is gigantic and there is no single solution, but offering Edward Snowden asylum would be a declaration of principle. As politicians, you will understand better than I do the importance of symbols. Such an offer of asylum now would be news. His election as rector of the University of Glasgow was reported by around 200 newspapers and television stations worldwide. Such acts are significant. I ask the committee to take the action that I have proposed.

John Wilson: I commend Philip Snowden for releasing the information and I welcome the petition. I am one of those individuals who may be decried as a conspiracy theorist about what is going on in the world and what various Governments are doing. However, what Philip Snowden highlighted—

Chic Brodie: Edward Snowden.

John Wilson: Sorry—I was thinking about Philip Assange.

Edward Snowden highlighted GCHQ's involvement and the free exchange of information between the British security forces and the NSA. Many people do not realise that the US Government runs, in England, what is ostensibly a listening post, from a Royal Air Force base. It is linked to GCHQ but is staffed predominantly by

American personnel, and is monitoring and surveilling potentially every citizen in this country and in Europe. As Mr Napier said, we must highlight that every keystroke, communication, whether by email or verbally on the telephone or mobile or any other exchange, could be harvested, listened to and monitored by security services. It is good to highlight that, so that people are aware that the wrong people are being prosecuted and persecuted for the actions that they took.

However, I have concerns about the petition's validity. Under the UK's current extradition treaty with America, were Mr Snowden to come on to UK soil, he would be extradited, as Cameron Buchanan highlighted. Depending on what happens on 19 September, a wider debate is to be had about whether an independent Scotland would honour that treaty agreement with the US. That debate must be had before we commit ourselves to giving sanctuary in Scotland to anyone who seeks that support.

I suggest, convener—and I respectfully ask Mr Napier to comment on this—that it would be appropriate to hold off on the petition until we get the result of the referendum on 19 September. We can then take forward the petition and get a reasoned response from the Scottish Government that is based on what we can deliver, rather than offering false hope to Mr Snowden.

11:30

The Convener: Before I bring in Mr Napier, I have some information on the very good point that John Wilson has raised. I had a look at the white paper last night and noted that on page 260 it states:

“An independent Scotland will maintain current arrangements for extradition”.

That possibly answers Mr Wilson's question. The white paper is quite clear on that position and, no matter how we view it, the white paper is obviously the bible on what will happen if Scotland becomes independent. However, I would certainly welcome Mr Napier's view on what he wants the committee to do on the petition. You are the expert on your petition, Mr Napier.

Mick Napier: First, it is nice to have an offer, but an offer does not mean that a person would be forced to take it up. The offer of asylum to Edward Snowden would be the significant aspect. He would obviously have to evaluate the risk involved in accepting it. Sadly, we live in an age when—as we know—there is rendition. People have been snatched and sent off for torture in countries in which I have worked. The record is pretty appalling in terms of people being kidnapped and tortured. So, anyone considering an offer of asylum would have to evaluate the risks in

accepting it. However, the offer itself would be a declaration of principle and a way of saying that we oppose the harvesting of every keystroke.

I want to add an important point that I did not have a chance to make in my opening remarks. I had an opportunity that one does not often have: I spent some time with a 27-year veteran of the Central Intelligence Agency, who used to give daily briefings on intelligence to a man called Ronald Reagan—he sometimes found him awake. He was a very significant figure in the CIA called Ray McGovern, who said that blanket, or saturation, surveillance is being sold based on fear and its being a price we have to pay for protection against terrorism. He said that it is complete nonsense.

The official American Government bodies have come up with a figure for the number of terrorist attacks that have been prevented by the saturation surveillance programmes: I am not very good at statistics, but I can remember the number zero. In fact, the biggest prize that they could brandish in 2007 was a Somali taxi driver in America who transferred \$8,500 to Somalia. God knows what it was for—it could have been for his family. However, that was the trophy that cost billions of dollars in saturation surveillance. So, an insider from the upper echelons of the CIA is going public to say that the price that we are being asked to pay is a price that gives us no protection whatsoever.

The Convener: Just before I bring in Mr Brodie, it would be useful for the committee to get a strong steer from you, Mr Napier, on the next steps for the petition. Mr Wilson suggested one option, which is that we defer consideration until after the referendum, for obvious reasons. Another option is that we write now to the Scottish Government to ask for its views on the petition, although I think that you might have already identified what the Scottish Government's view would be. Which of those options would you prefer the committee to follow?

Mick Napier: The worst thing for anyone who is a fugitive and is being victimised for doing something noble, whether they are in solitary confinement in prison, or whatever, is the feeling that you are alone. You can stand great suffering if you know that people out there know what is going on. However, the feeling of being isolated can be very demoralising.

Snowden felt great after his election by University of Glasgow students. It made him feel good when exile is being used as a punishment against him. I therefore ask the committee to push the petition as vigorously and quickly as possible, and that the offer of asylum be made. A decision on acceptance of the offer would have to follow an evaluation. However, the reason why I ask for the

offer is because saturation surveillance is happening today and will happen tomorrow, and millions and millions of our emails and texts are being harvested. I think that that is a very urgent dangerous situation that goes well beyond being a nightmare scenario. The imagination of George Orwell could not have encompassed Big Brother having that power. Given the size of the challenge and the danger, we need a commensurate response. I ask that we do not look too closely at future extradition arrangements that might follow the referendum. Whatever the referendum result, a position statement by this committee would be good.

I was interviewed by the Russian news agency and a couple of other international news agencies today; the committee's deliberations are going to be significant. I ask the committee to take a position of principle and to push the petition as vigorously and quickly as possible.

The Convener: I ask for clarification, so that I understand you correctly. Do you want us to write to the Scottish Government, asking for its assessment of the situation? Would that be useful? It sounds as though you do not want the matter to be deferred until after the referendum.

Mick Napier: I do not want the petition to be deferred. I would like you to write to the Scottish Government, asking it for a clear answer. I would also like the committee to take any other steps that are within its power. I do not know the extent to which you can stimulate debate within the Government, but I ask you to take every possible step.

Chic Brodie: You alluded to "Scotland's Future". I am so glad that you have read it, convener.

The Convener: Were you in any doubt, Mr Brodie?

Chic Brodie: I will ask you questions on it later.

On extradition, I hope that there would have to be evidence of criminality. The hacker's name escapes me, but there was a recent extradition case that ran for four or five years that involved a young Scottish guy. When we talk about things like that, we need to be clear about the principles that would be applied through international agreements.

John Wilson: Mr Napier, do you think that it would be appropriate for the committee to offer false hope to Mr Snowden regarding political asylum if, on 19 September and beyond—irrespective of the outcome of the referendum—the extradition treaty with the United States is not revoked?

Mick Napier: There are huge issues in different periods of history, and this is the big issue today. I

do not think that Mr Snowden is naive. He has taken this step and has, as he says, given up living in paradise—in very secure conditions, with a high salary and a great life. Looking back on that, he is pleased that he did so, despite the dangers and despite the fact that—according to reputable US media sources—elements in the American intelligence community are openly discussing the option of killing him, which has been discussed in the media as well. He still thinks that he took the right step.

Mr Snowden will not think that the offer of asylum by a committee or by a group of parliamentarians means that it is a done deal and that he should buy a ticket from Moscow to Prestwick or Glasgow. However, it will be a morale booster. More important is that it will be a signal to people in Scotland that there are people in the Parliament who view saturation surveillance very seriously. Not much is coming out from the political domain to say that the issue is being treated with the gravity that it undoubtedly deserves. Therefore, it would be newsworthy as a declaration of principle.

If I may say so—I exclude the people who are in the room from this—politicians currently have a very poor reputation indeed and are held in very low public esteem. This is a young Parliament and its members will, I hope, escape the opprobrium that is directed at their partners at Westminster, where the majority have had in the previous Parliament to return money that had been wrongly obtained. This is an opportunity for parliamentarians to change the situation and to win back public esteem by being seen to take a stand on an issue of principle. The details can be ironed out later.

The Convener: I would love the debate to continue, as you will have identified, but we have other petitioners waiting. I ask you to remain for a second. We have finished our questions and it is now for the committee, as always, to make its decision. We are at the summation point at which we have to decide what to do with the petition. You have helpfully given us some advice on the next steps, but it is for committee members to decide.

My view is that there is merit in asking the Scottish Government for its view. Members have identified what they think that view is, but we normally write to the Scottish Government when a petition addresses a Scottish Government function. I ask colleagues for their views on the matter.

Chic Brodie: This is a difficult one, convener. As I have said, I sympathise with what Mr Snowden did, or was forced to do, but I take John Wilson's point about offering false hope. A letter to the Government might simply produce the same

answer that Mr Napier has already had from it. I am not suggesting that we—what is the phrase?—kick this into the long grass, but I wonder whether it is wise to do anything until we know the situation after 18 September. I do not like to prolong decision making unnecessarily, but I am conscious of Mr Snowden's position. I will go along with the committee's general feeling.

John Wilson: As I have said, I am generally sympathetic to the petition. If it was in our gift—by which I mean the gift of the Scottish Government and the Scottish Parliament—I would want us to give political asylum to Mr Snowden. However, it is not in the gift of either at the moment and, in any case, the issue will be subject to negotiation. Indeed, the convener has quite rightly highlighted paragraph 260 of the white paper.

The Convener: It was page 260.

John Wilson: Given that it says on page 260 that it would be the intention of a potential future Scottish Government to honour the existing extradition treaty, I am minded to suggest that we delay further consideration of the petition until after 18 September to allow Parliament and this committee to debate at that time the wider issues that the petition raises about political asylum—not just Mr Snowden's life and liberty, but the issue of having extradition treaties with a country that seems to flout international law.

That is my opinion, convener.

Anne McTaggart: It is clear that the matter is not within our gift, and the Scottish Government has clearly indicated on page 260 of the white paper its intentions if there is a yes vote on 18 September.

I am not sure of the merits of this. Mr Napier has already written to the Scottish Government, and it has already indicated its response, which obviously does not satisfy Mr Napier. I am not sure whether the response that the committee would receive would be any different.

Angus MacDonald: I certainly have some sympathy with the petitioner, who has passionately argued his case, but as you have pointed out, convener, we are limited in the actions that we can take. Even with a successful yes vote, Scotland will not be independent until March 2016, and it would be a decision for the new Scottish Government—whatever colour it might be.

Although I note Mr Napier's request to move speedily with the petition, I believe that there are issues with Mr Snowden's asylum at the moment. Russia has granted him only temporary asylum for a year, and perhaps one of the other 21 countries to which he has applied for asylum might intervene

before his period of temporary asylum in Russia is up.

I tend, therefore, to concur with the general feeling of the committee. Given that Mr Snowden has only temporary asylum in Russia and given that we are awaiting the result of the referendum in September, we should defer further action until after the referendum.

The Convener: What do Mr Torrance and Mr Buchanan think?

David Torrance: We should defer the petition until after the referendum.

Cameron Buchanan: Absolutely—I think that it would be premature to deal with the issue just now. It has nothing to do with Edward Snowden; the point is that the issue does not fall within our competence. Moreover, I do not think that there is any point in writing to the Scottish Government, because it will not matter.

The Convener: Thank you, colleagues.

As you will have heard, Mr Napier, we are all very interested in your petition. The clear majority opinion is that we defer consideration of it, but I point out that that does not mean that it has been concluded. We will keep you carefully up to date with developments after the referendum, when, depending on the result on 18 September, we might well discuss the issue further.

Thank you very much for the excellent contribution that you made in your five-minute presentation and in your responses to our questions. You are an example to other petitioners of how petitions to Parliament should be dealt with, and I congratulate you on your performance.

I suspend the meeting for two minutes for a changeover of witnesses.

11:44

Meeting suspended.

11:47

On resuming—

Bulk Fuel Storage Safety (PE1522)

The Convener: The second new petition that we consider today is PE1522, from Simon Brogan, on improving bulk fuel storage safety. Members have the petition, a note by the clerks and a SPICe briefing.

Welcome, Mr Brogan, and thanks for coming along. I invite you to give us a brief presentation—around five minutes—to set the context, before I kick off the questions from members.

Simon Brogan: Thank you very much for inviting me. This is the second petition that I have brought as a result of the Buncefield explosions and fire in December 2005. I launched the first petition in February 2006.

There are two bulk fuel storage sites in the town of Kirkwall, in Orkney. Kirkwall power station is owned by SSE and is very infrequently used, because Orkney is connected by submarine cable to the grid on mainland Scotland. The power station holds two 500-tonne tanks of diesel fuel. The Shore Street Kirkwall fuel distribution depot holds 1,640 tonnes of diesel and kerosene, but by virtue of the fact that the fuel is for onward distribution, it does not fall under the Water Environment (Oil Storage) (Scotland) Regulations 2006.

Kirkwall power station falls under the 2006 regulations, which means that it must have modern bunding arrangements. Bunding is the secondary containment measure that is used to prevent damage to the environment. The primary container is the steel tank, the secondary containment measure is the bund and the tertiary containment system involves gathering rain water or oil that is spilled within the bund and preventing it from going off site.

There are two bulk-fuel storage depots in Kirkwall. Shore Street holds fuel for onward distribution and the power station holds fuel that is used on site. The power station site is governed by a law passed in Scotland that means that it must have a more modern bunding arrangement.

The Shore Street depot is not governed by the 2006 regulations or by any other law, except the Health and Safety at Work etc Act 1974. Four of the six tanks at Shore Street were built in 1938, and I think that the Scottish Parliament has really got a duty to do something about that. The tank nearest to a house is only 30ft away from it. There are dwellings very close to the Shore Street depot, which is in the centre of the front of Kirkwall. It is a disgrace that the depot is still there and it is high time that something was done about it.

The Convener: Thank you very much for your presentation, Mr Brogan. I am familiar with the Shore Street site in Kirkwall. In fact, I think that, wearing my Highland and Islands hat, I had a surgery case to do with that site.

Simon Brogan: We attended it together.

The Convener: Ironically, I stayed in the Kirkwall Hotel, which is a hop, skip and a jump from the depot.

If I understand your presentation, your concerns are about health and safety and preventing fire and explosions in the future in Scotland by having

a different regulatory regime. Is that a fair summary of your petition?

Simon Brogan: That is not a totally adequate summary. The 2006 regulations insist on the bund having an impermeable lining, including under the tank. At SSE's power station in South Uist, a tank leaked 40 tonnes of diesel in November 2008. Although it spent £250,000 in 2007 on upgrading the bunding, SSE decided not to lift the tanks to put an impermeable lining underneath them because it would have cost too much and been too difficult a problem.

The necessary impermeable lining throughout the bund must be insisted on for all the fuel depots that escape the 2006 regulations due to the arbitrary distinction between those that use the diesel on site and those that distribute it. There is no sense to the distinction involving onward distribution, because oil storage in an oil distribution depot means that there is a lot more oil coming and going and therefore more risk.

The Convener: The other aspect is of course your worries about water pollution from the diesel.

Simon Brogan: That is the whole point. Bunding is the *bête noire* of the oil storage industry because it has to be able to withstand enormous fire hazards and temperatures. That creates massive problems. Bunds have to cope with rain. If rainwater was not dealt with, a sealed bund would fill with rainwater. That is a problem, but bunds are the only way of securing the environment.

The Convener: That is a very good point. Thank you very much for that.

Do any of my colleagues wish to ask questions or to make observations?

Angus MacDonald: Mr Brogan certainly seems to have a valid point. As someone who hails from Stornoway, which faces similar issues with bulk fuel storage, and who represents Falkirk East, which includes the Grangemouth petrochemical complex and refinery, I am certainly aware of the Control of Major Accident Hazards Regulations 1999 and of the need, following Buncefield, to ensure that proper bunds are put in place.

As Mr Brogan mentioned, the Scottish Government has taken action to ensure that proper bunds are in place, certainly in Grangemouth in my constituency. There seems to be an anomaly with regard to risk, depending on whether the fuel is for use on site or for onward distribution. I am not aware of the situation in Kirkwall, but from what I know about the situation in Stornoway, it is probably difficult to get bunds in place in such a tight area. The distribution companies might have to consider building bulk fuel storage sites on the outskirts of the town

instead. I do not know whether that is the case in Kirkwall.

Simon Brogan: You raise two points. The fuel depot that I am talking about falls below the inventory threshold under the COMAH regulations, which is 2,500 tonnes. Any facility that holds more than 2,500 tonnes falls under the lower tier of the COMAH regulations. Such facilities are highly regulated. Kirkwall fuel station falls outwith that.

In relation to the size of the bunding, the height of the bund walls is predetermined and I am told that that is okay, but Kirkwall fuel station does not have an impermeable lining. That is insisted on for all those bulk fuel sites that come under the Water Environment (Oil Storage) (Scotland) Regulations 2006. Therefore, the issue is one that the Scottish Parliament can do something about.

Angus MacDonald: From the feedback, it seems to be the case that there is an issue. We should certainly raise it with the Minister for Environment and Climate Change, for one.

The Convener: Most definitely.

Do other colleagues have questions to ask or points to make?

John Wilson: Good morning, Mr Brogan. I seek clarification on the definition of "onward distribution". What do you consider that to mean? It is my understanding that the fuel that is in the containers in the Kirkwall fuel station can be in them for a period of time, as the containers are constantly topped up. That means that the argument about the fuel being for onward distribution does not really stand up in the context of the dangers that may be presented because of inaction by the Government in applying the appropriate regulations or by the operator of the site.

Simon Brogan: I am sorry; I do not quite understand what you are asking me.

John Wilson: I am asking you about the definition of "onward distribution". In your petition, you said that part of the reason for the exemption from the regulations is that the oil that is being stored is for onward distribution. I want to get your interpretation of what that means.

Simon Brogan: There are two types of bulk fuel storage. There is the fuel that is stored on site to be used on site. In the case of Kirkwall's power station, it will be burned in the generators. In the case of the Shore Street fuel depot, the fuel is pumped from ships into the tanks. Tanker trucks are filled and driven away constantly. The fuel is imported and is then distributed through the community.

12:00

John Wilson: The point that I was trying to get at was how full the tanks can be at any one time, or over a period of time. I understand that the fuel is taken from tankers into the containers and then from the containers into trucks, for distribution. The question is how long it can be lying in the depot before it goes for onward distribution.

Simon Brogan: I do not know exactly how often the coastal tanker delivers oil to Kirkwall, but let us say that it is every six weeks, on average. The tanks hold 1,640 tonnes of diesel and kerosene. They will be filled, and in the course of the six weeks the levels will drop, until another boat arrives. The boat comes up from Grangemouth, maybe, and it might feed into Wick, Inverness, Lerwick and Kirkwall.

The Convener: One might naively suggest that oil containers should be outwith the main harbour area, but of course they are at harbours for good logistical reasons, because the fuel is shipped in. Inverness has oil storage, as do Kirkwall and the Western Isles. There are good, solid reasons for that. I think that your point is that, although the tanks have to be there, we must ensure that the proper bunding is in place, which has not always happened, because the regulations do not apply in all cases.

You have made good points. Unless members urgently want to comment, we will go to summation. Mr Brogan, you probably know from your previous experience of lodging a petition that this is the point at which we decide our next steps.

In my view there are clear next steps. We should write to the Scottish Government, the Scottish Environment Protection Agency and the Health and Safety Executive. I would also be interested in hearing what the Scottish Fire and Rescue Service has to say about the situation. Mr Brogan mentioned SSE, so it might make sense to write to the company and perhaps to similar companies.

Chic Brodie: We should certainly write to SSE.

The Convener: Have I missed anyone that we should write to?

John Wilson: We should ask Orkney Islands Council for its view. There is an environmental health issue, which the council should have considered. I would like to know whether it has made representation to the Government on the issue.

Angus MacDonald: I presume that a private company distributes the fuel on Orkney—

The Convener: If I remember rightly, it is Brogan Fuels—no relation.

Angus MacDonald: It might be worth getting the company's view, too.

The Convener: Does Highland Fuels also have a role?

Simon Brogan: No, in Orkney it is Scottish Fuels, which changed its name recently to Certas Energy.

The Convener: Okay, so it would be worth writing to Certas. Do members agree to write to that collection of organisations?

Members indicated agreement.

The Convener: Thank you. As you have heard, Mr Brogan, we are very interested in your petition and we are going to take it forward. We will keep you up to date on developments and we will try, as we do for all petitions, to take it to the nth degree, to ensure that you get satisfaction on the genuine points that you have raised. Thank you for coming, and have a safe journey home.

We are really tight for time, so I will suspend for just a minute, to allow Mr Brogan to leave.

12:03

Meeting suspended.

12:04

On resuming—

Referenda for Orkney, Shetland and the Western Isles (PE1516)

The Convener: The third new petition is PE1516 by Malcolm Lamont on referenda for Orkney, Shetland and the Western Isles. Members will have received a note by the clerk, the SPICe briefing and the petition itself. I refer members to the clerk's note and ask the committee whether it is content that the petition is admissible.

Members indicated agreement.

The Convener: Thank you.

As with all petitions, we now need to consider the various options. We can invite the petitioner to speak to the petition; we can write to the Scottish Government, asking for its views; we can defer consideration of the petition until after the referendum; or we can take any other action that the committee considers appropriate. First of all, do members feel it appropriate to do what we do for other petitions and ask the petitioner to come and speak to his petition?

Cameron Buchanan: I do not think that the petition is inadmissible, convener.

The Convener: We have already ruled on that, Mr Buchanan. We are now considering what

actions the committee can take. [*Interruption.*] The clerk has just advised me that the only practical consideration that we should bear in mind is that the petitioner is on holiday and might not be immediately available. We will, if the committee is so minded, ascertain on what dates he can come in. What is the committee's view on inviting the petitioner to speak to the petition?

Chic Brodie: I am not suggesting that there is referendum fatigue, but because of the wide-ranging nature of the issue that is raised in the petition, I wonder whether we should in the first instance write to the Scottish Government, seeking its views. Based on that response, we can consider whether to invite Malcolm Lamont to come in.

Perhaps the clerks can help me with something. The form for the petition asks:

"How many signatures have you collected so far?"

How many supporters are there for the petition?

The Convener: We can get absolute confirmation, but I understand that there have been more than 2,000 signatures collected.

Mr Brodie has suggested that, in the first instance, we write to the Scottish Government, asking for its views, and that, once we have received its response, we work out our next steps, which could include inviting the petitioner to come in and speak to the petition. Do members agree?

John Wilson: I agree with Mr Brodie's suggestion that we write to the Scottish Government to seek its view before inviting Mr Lamont to a committee meeting. However, I seek clarification on one issue. The title of the petition refers to

"Referenda for Orkney, Shetland and the Western Isles".

Is "referenda" actually the correct term? I understand from a linguist that the term should be "referendums"; the plural of "referendum" is "referendums", not "referenda". Can I have that clarified?

The Convener: We will seek advice from a higher authority but, as always, I bow to Mr Wilson's understanding of the English language.

The suggestion, therefore, is that we write to the Scottish Government for its views, and deal with the petition at a future meeting. Are members agreed?

Members indicated agreement.

Current Petitions

Bond of Caution (PE1412)

12:08

The Convener: Agenda item 3 is consideration of current petitions. I am conscious of the time, but I will take the petitions in order.

I note that Elaine Smith MSP has joined us. I am certainly keen to reach the petition that she wants to speak to, but I point out that we also need to consider our annual report. We will just have to see how the time goes.

PE1412 by Bill McDowell is on bonds of caution. Members have a note by the clerk. We have been dealing with this very good petition for some time now. There is a suggestion that we defer consideration of it until after the Scottish Government announces its next legislative programme, given that the Government has made it clear that it does not intend to prioritise this work and that, in its view, there is no clear agreement on the way forward on this and a number of related issues. For these reasons, it intends to consult when other priorities allow.

That seems to be a strong steer that we should defer the petition until the Government's legislative programme is announced but, again, I will take the committee's advice and guidance. Do members agree with the suggestion that has been made?

Members indicated agreement.

Thyroid and Adrenal Testing and Treatment (PE1463)

The Convener: PE1463, by Lorraine Cleaver, is on effective thyroid and adrenal testing, diagnosis and treatment. Members will have received a note by the clerk and various submissions. I remind members that we had a very interesting round-table session on the petition.

I welcome to the meeting Elaine Smith MSP, who has a long-standing interest in the petition. We are very tight for time, Ms Smith, which is something that you will be familiar with from your other role in the Parliament. Could you please make brief comments on the petition?

Elaine Smith (Coatbridge and Chryston) (Lab): I thank the committee for the time that it has taken so far to read the evidence and understand the scale of the issue. I also thank you for reading the personal stories, which you will agree are sad and tragic, given that medical help is available in countries other than the UK—for example, Armour Thyroid is prescribed in Belgium.

It is unfortunate that the petitioner, Lorraine Cleaver, cannot be here today. She has submitted a note that highlights her dependency on desiccated thyroid hormone, which—as members will know—many others rely on. It is worrying that, although people were previously able to buy desiccated thyroid hormone from the USA, the Food and Drug Administration now seems to be demanding prescriptions to ship it into the UK. The question needs to be asked why there has been that sudden change. Lorraine Cleaver wonders whether that has happened at the instigation of the UK. There are questions to be answered on that.

Desiccated thyroid hormone was the normal treatment prior to the patenting of T4, and it literally brings people back to life. General practitioners can prescribe desiccated thyroid hormone as long as they take personal responsibility for the treatment. It would be better if people did not have to buy it from the US, but could instead have it prescribed by their GPs if they meet the guidelines, and if they had tried the licensed product first. A lot of people feel that they are being denied health and that their GPs might be breaking the hippocratic oath by denying them treatment that would—and has been shown to—help them, meaning that they have to purchase it themselves from abroad.

There are no financial benefits from desiccated thyroid hormone for the pharmaceutical companies. That may be why, in the Government's letter to you, when it talks about T3, it says:

"it may be that companies do not see it in their economic interests to enter into such a small market."

That is a possible reason why there is only one pharmaceutical company making T3. As we know, there were problems because of that when there was no supply of T3. There was another shortage in March—I do not know whether you know about that, convener—which was resolved, but it highlights the fact that there is only one supplier. Some of the evidence that the committee has received for this meeting also shows close ties between pharmaceutical companies and the medical profession.

I understand from Lorraine Cleaver's submission that she met David Cline and is pleased to have been given the opportunity to contribute to the listening exercise. It is good that evidence is being gathered on a subject that affects so many people in Scotland. However, I am not entirely clear—I do not know whether the committee is—how much of that work will be focused specifically on thyroid problems, which is a question that the committee asked before. I would be happy to contribute to that exercise in any way whatever, and I hope that the fact that it is taking place will be publicised.

I respectfully ask the committee to consider keeping the petition open at least until the listening exercise is finished. I also ask that the committee give some consideration to holding its own inquiry with a focus on gathering the available clinical evidence and taking evidence from patients including those who are parked on T4 to find out whether they are well on T4 and whether they are suffering other symptoms. Finally, I ask the committee to consider why GPs will not prescribe desiccated thyroid hormone when it was previously the safe way to treat underactive thyroid conditions, and brought patients back to life and kept them economically active. There are a lot of things that an inquiry could look into, which would benefit many patients and perhaps also the NHS, in the long run.

The Convener: I thank Elaine Smith for coming along and giving that presentation. She has suggested that we keep the petition open and consider it again once the Scottish Government's patient experience project is complete. Do members have any additional points to make?

John Wilson: As Elaine Smith identified, we do not know how many thyroid patients will be involved in the consultation that the Government is carrying out. We should write to the Scottish Government to find out whether it will do more detailed work in speaking to thyroid patients. There is no point in our waiting on the Scottish Government's response only to find out that thyroid patients were not fully considered in the evidence that was gathered and the report that was produced.

I urge the committee to write to the Scottish Government to request that special consideration be made to targeting thyroid patients to ensure that they are getting the appropriate treatment.

Chic Brodie: This is one of the most thorough and comprehensive petitions that has been submitted since I joined the committee. I was going to make the same point as John Wilson. I do not know what the terms or remit of the Government's project are, but I suggest that they do not inhibit people being encouraged to write to the Government to detail their experiences.

12:15

Anne McTaggart: I thank Elaine Smith for coming along. As others have said, we must await the completion of the listening exercise. However, Elaine Smith has raised a number of issues on which answers are outstanding. We have had this petition for a long, long time. Would it be possible for us to conduct an inquiry to answer all the questions that have been raised? Loads of different wee issues are hanging around and certain work is not being done. We need to get

answers for those affected, but I am not sure that we will get those solely from the listening exercise even if, as John Wilson said, we ensure that those who suffer from thyroid conditions are included in that exercise.

The Convener: I thank Anne McTaggart for her comments. It might be useful to ask the clerk to look in detail at the points that you have raised because what you are asking for would mean considerable work for the committee. However, all the members agree that the petition is excellent and that we want to go as far as we can with it. Before doing so, I want guidance on the work implications for the staff before we take a final decision.

Angus MacDonald: I want to hear from the committee clerks about whether it would be possible to hold an inquiry. I also want to acknowledge that the petitioners must be feeling extremely frustrated at the length of time that the matter is taking. We understand that frustration.

The Convener: Do members agree to keep open the petition? Mr Wilson, did you want to say something?

John Wilson: I am sorry, convener, but I have one more question that I want to ask the Scottish Government.

David Cline's response makes reference to the batches of T3 and their availability. He says:

"Decisions over whether or not to manufacture particular medicines are for Pharmaceutical Companies."

The issue for many of the thyroid patients is the supply of T3, not who manufactures it or whether it is manufactured in the UK. They want to ensure that, if a pharmaceutical company is producing T3, access is given to the drug, irrespective of the country where it is produced.

The issue is therefore about guaranteeing the supply of T3. We should seek clarification from the Scottish Government on whether, if T3 were not available in the UK from UK pharmaceutical companies, it would seek the import of T3 from other countries on the proviso that it met the strict guidance on the materials used and the effectiveness of that T3.

The Convener: Are we quite clear on how we are to proceed? We will continue the petition, await the results of the Scottish Government's project and get a note from the clerk on whether a mini inquiry would be possible, which we will consider at a future meeting. Do members agree to that approach?

Members indicated agreement.

The Convener: I thank Elaine Smith and the petitioners for coming along. This is a very good petition.

I am conscious of the time—quite a lot of pressure has been placed on our timetable—and we still have a couple of petitions to consider and at least one of the petitioners is in the public gallery. Unless there is strong feeling not to do this, I suggest that we defer PE1488 by Pete Gregson to the next meeting and that we deal with PE1508 out of sequence. Do members agree?

Members *indicated agreement.*

Commonwealth Games Sponsorship (PE1508)

The Convener: PE1508 by Sean Clerkin is on Atos as a sponsor for the 2014 Commonwealth games. Mr Clerkin was at one of our previous meetings and gave evidence. Members have a note by the clerk and submissions on the petition.

We have written to a series of organisations about the issues that the petitioner raised. We can take a number of next steps on the petition, but there is a recommendation that we close it on the basis that the work of Atos IT Services is integral to the games and a change of sponsor could undermine the smooth running of Glasgow 2014. However, in doing so, we could write to the organising committee drawing its attention to the evidence that we have gathered on the issue so that the organisers are left in no doubt about the strong comments that the petitioner made, which were very clear, and the evidence that we have gathered.

Do committee members agree to that course of action?

Members *indicated agreement.*

Annual Report

12:20

The Convener: The final agenda item is consideration of the committee's draft annual report to the Parliament for the year 11 May 2013 to 10 May 2014. Members will know that all committee reports follow a standard format as agreed by the Conveners Group.

Members have the draft report. It looks like a straightforward account of what we have done. I could not see a reference to the plenary debate that we had on organ donation. I could be wrong on that point but, if not, I suggest that we add that. The sessions that we had with the Lombardy delegation, with John Wilson and Chic Brodie, were also useful. The clerk can advise me whether it is appropriate to add them.

John Wilson: Convener, will you remind me when we went to Stornoway?

The Convener: That was in the previous year.

John Wilson: That is fine.

The Convener: It is important that we consider how to promote the committees as well as we can. If the committee does something unusual, different or innovative, we should reflect that in the annual report.

I was very impressed with the work that the Conveners Group has done on changing the marketing and presentation of general committee reports. We will get that in due course. It was a huge improvement on the rather staid approach. That is no reflection on the clerks' work on reports; it is just that the approach was a bit old-fashioned and the new approach is much better.

Do members have any changes to the draft annual report, or are they happy with it?

Chic Brodie: I know that the paragraph on inquiries and reports is a report of what we have done, but the petition on child sexual exploitation left an indelible mark on me and others and there is no comment about that. We should do more on it.

The Convener: I agree with Mr Brodie. Perhaps we can beef up the section on what we did, because that was a huge inquiry. The clerk will circulate a form of words. Do members agree to that?

Members *indicated agreement.*

The Convener: I close the meeting and ask members to stay behind for 30 seconds.

Meeting closed at 12:23.

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